

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
ABRAHAM FARAG,  
Defendant.

Case No. 14-cr-00534-CRB

**ORDER DENYING MOTION TO  
CORRECT SENTENCE**

Defendant Abraham Farag moves under Federal Rule of Criminal Procedure 35(a) to correct his sentence. Mot. (dkt. 420). That rule provides that “Within 14 days after sentencing, the court may correct a sentence that resulted from arithmetical, technical, or other clear error.” Fed. R. Crim. P. 35(a). Farag asserts that his sentence “appears to reflect an unintended disparity between Abraham and similarly situated defendants resulting from the sequence by which the Court sentenced these defendants.” Mot. at 1. But Rule 35(a) “clearly is intended to allow a district court to modify a sentence only in very limited instances and not merely to ‘reconsider’ sentencing issues.” United States v. Aguirre, 214 F.3d 1122, 1126 (9th Cir. 2000). A court may not reopen sentencing simply because it has “change[d] its mind,” id., or because there is a disagreement over “the court’s discretionary application of the guidelines to the facts of the offense,” United States v. Wisch, 275 F.3d 620, 625 (7th Cir. 2001). Accordingly, the Court lacks the legal authority to grant the motion, and the motion is DENIED.

**IT IS SO ORDERED.**

Dated: June 25, 2018

CHARLES R. BREYER  
United States District Judge